



Express Mail No.: EL933683783US
Docket No. HYS-39

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Godbole, et al.

Serial No: 09/788,051

Filed: February 16, 2001

For: METHODS AND
MATERIALS RELATING TO
CADHERIN-LIKE
POLYPEPTIDES AND
POLYNUCLEOTIDES

CERTIFICATE OF MAILING
BY "EXPRESS MAIL" UNDER 37 CFR § 1.10

"Express Mail" Mailing Label Number
EL933683783US

Date of Deposit: April 5, 2002

I hereby certify that this paper and all enclosures are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" under 37 CFR § 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C., 20231.

Type or Print Name of Person Mailing: Annya Dushine

Signature of Person Mailing

**STATEMENT OF FACTS TO SUPPORT THE
FILING ON BEHALF OF THE NONSIGNING INVENTORS**

Commissioner for Patents
Washington, DC 20231

RECEIVED
APR 11 2002

OFFICE OF PETITIONS

Sir:

In support of concurrently submitted petition under 37 C.F.R. §1.47(b), I, Luisa Bigornia hereby declare the following:

1. I am a legal representative of Hyseq, Inc.
2. I have firsthand knowledge of the exact facts that are relied upon to support the concurrently filed Petition Under 37 C.F.R. § 1.47(b) so that Hyseq, Inc. be granted a patent based on the above-identified application.
3. I make the following statements to establish that the inventor Shubhada Godbole (the "Inventor") of the above-identified application refused to sign the appropriate declaration and that Hyseq, Inc. has sufficient proprietary interest to execute the declaration.

4. Hyseq, Inc. and the Inventors executed an agreement ("Agreement") that included a provision that Hyseq, Inc. shall be the exclusive owner of any and all inventions that result from the use of any and all research materials. A redacted version of the Agreement is attached herewith as Exhibit 1.

5. Among the experiments specifically contemplated by the Agreement were experiments directed towards the use of compilation of bioinformatic information, including PFam, eMatrix and BLAST data, in support of the preparation of the invention disclosure for the gene designated C228 disclosed in the above-identified application.

6. On November 27, 2001 and February 20, 2002, Annya Dushine, through the undersigned attorney, sent packages that included a copy of the Declaration For Patent Application And Power Of Attorney, and a cover letter to Shubhada Godbole (attached herewith as Exhibit 2) at the address listed in the accompanying Petition Under 37 C.F.R. §1.47(b) via Federal Express. She requested in the cover letter that Shubhada Godbole sign the Declaration for the above-identified application and return the executed Declaration to her by means of an enclosed prepaid courier envelope. In addition, she invited the Inventor to contact her with any questions she might have. These materials were sent to Shubhada Godbole on November 27, 2001 and again on February 20, 2002 and receipt at her listed address was confirmed by delivery on February 28, 2001 and February 21, 2002, respectively, as evidenced by the detailed results of Tracked Shipments provided by Federal Express, submitted herewith as Exhibit 3.

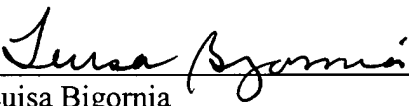
7. In response to this request for cooperation and signature, I have yet to receive any response from the Inventor. The over five-month silence regarding the Inventor's assistance in prosecuting the present application has led Hyseq, Inc. to reasonably conclude that the Inventor refuses to cooperate, particularly refusing to sign the Declaration.

8. Permitting Luisa Bigornia to sign on behalf of the nonsigning Inventors is necessary to prevent irreparable damage given that the inventor-applicants refuse to execute the inventor's declaration.

9. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing thereon.

Respectfully submitted,

Dated: April 05, 2002

By: 
Luisa Bigornia
Attorney for Applicants
Registration No.: 45,974
HYSEQ, INC.
670 Almanor Avenue
Sunnyvale, CA 94085
(408) 524-8100
(408) 524-8145 FAX

#6



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov



APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/788,051	02/16/2001	Shubhada D. Godbole	HYS-39

A. Mooi
HYSEQ, INC.
670 Almanor Avenue
Sunnyvale, CA 94085

CONFIRMATION NO. 6652

FORMALITIES LETTER



OC000000006513015

Date Mailed: 09/05/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

A copy of this notice MUST be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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OFFICE OF PETITIONS

04/10/2002 STEFFERA 00000101 501169 09788051
02 FC:205 65.00 CH

04-09-02

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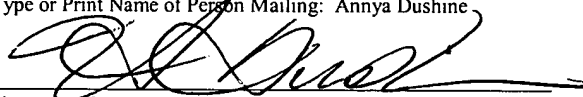
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Type or Print Name of Person Mailing: Annya Dushine


Signature of Person Mailing
TRANSMITTAL LETTER

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BOX MISSING PARTS

Hon. Assistant Commissioner for Patents
Washington, D.C. 20231

OFFICE OF PETITIONS

Sir:

Enclosed are the following items for filing in the above-referenced U.S. Patent

Application:

1. Two original executed Declaration and Power of Attorney documents for filing in the above-referenced application, in response to the Notice to File Missing Parts issued by the Patent and Trademark Office on September 5, 2001.
2. Copy of Notice of Missing Parts of Application dated September 5, 2001.
3. Petition Under 37 C.F.R. § 1.47(b)
4. Statement of Facts to Support the Filing on Behalf of the Nonsigning Inventors with Exhibits 1, 2 and 3.
5. Request for Extension of Time Under 37 CFR 1.136(a) for the total number of months checked below:

EXTENSION (Months)	FEE FOR LARGE ENTITY		FEE FOR SMALL ENTITY	
One Month		\$110.00		\$55.00
Two Months		\$400.00		\$200.00
Three Months		\$920.00		\$460.00
Four Months		\$1,440.00		\$720.00
Five Months		\$1,960.00	X	\$980.00

Applicants have previously claimed small entity status (See 37 CFR 1.27).

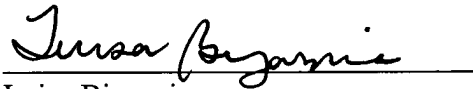
The Commissioner is hereby authorized to charge payment of the late filing fee of \$65.00, extension fee of \$980.00, petition of \$130.00, and any other fees which may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 501169. A duplicate copy of this sheet is enclosed.

Please refund any overpayment to Hyseq, Inc. at the address below.

Respectfully submitted,

Dated: April 05, 2002

By:



Luisa Bigornia
Attorney for Applicants
Registration No.: 45,974
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